



IFW
Attorney/Docket No. 31132.42
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eisermann, et al.

Serial No.: 10/773,814

Filed: February 6, 2004

For: Articular Disc Prosthesis For
Transforaminal Insertion

§
§
§
§
§
§
§
§
§

Group Art Unit: 3738

Examiner: Unknown

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

David M. O'Dell

Registration No. 42,044

Date:

8-4-04

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8635
Facsimile: 214-200-0853

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-4-04

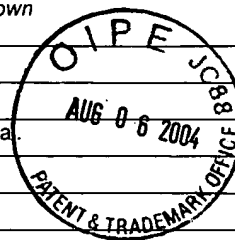
Bonnie Boyle

Printed Name

Bonnie E Boyle

Signature

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/773,814
				Filing Date	02/06/2004
				Applicant(s)	Eisermann, et al.
				Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	31132.42
SHEET	1	OF	2		



U. S. PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
	A1	2003/0069586	04/10/2003	Errico, et al.	
	A2	2003/0074068	04/17/2003	Errico	
	A3	2003/0097134	05/22/2003	Kunzler	
	A4	2003/0176923	09/18/2003	Keller, et al.	
	A5	2003/0208273	11/06/2003	Eisermann, et al.	
	A6	2004/0024460	02/05/2004	Ferree	
	A7	2004/0034426	02/19/2004	Errico, et al.	
	A8	2004/0034421	02/19/2004	Errico, et al.	
	A9	4759766	07/26/1988	Buettner-Janz	
	A10	4997432	03/05/1991	Keller	
	A11	5246458	09/21/1993	Graham	
	A12	5258031	11/02/1993	Salib, et al.	
	A13	5314477	05/24/1994	Marnay	
	A14	5401269	06/20/1995	Buettner-Janz, et al.	
	A15	5425773	04/16/1996	Boyd, et al.	
	A16	5507816	09/17/1996	Bullivant	
	A17	5534029	07/09/1996	Shima	
	A18	5556431	09/17/1996	Buettner-Janz, et al.	
	A19	5562738	10/08/1996	Boyd, et al.	
	A20	5571109	11/05/1996	Bertagnoli	
	A21	5674296	10/07/1997	Bryan, et al.	
	A22	5676701	10/14/1997	Yuan, et al.	
	A23	5683394	11/04/1997	Rinner	
FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	B1	EP 0 560 140	02/25/1993	Waldemar Link GmbH & Co	N
	B2	EP 0 560 141	02/25/1993	Waldemar Link GmbH & Co	N
	B3	EP 0 747 025	12/11/1996	Smith & Nephews Richards, Inc.	y
	B4	EP 0 820 740	01/28/1998	Bryan, et al.	Y
	B5	WO 99/00074	01/07/1999	Brid-Port-Gundry PLC	y
	B6	WO 99/05995	02/11/1999	Gordon, Maya, Roberts & Thomas Number 1 LLC	y
	B7	WO 99/53871	10/28/1999	Cauthen Research Group, Inc.	Y
	B8	WO 00/42954	07/27/2000	Osteotech, Inc.	y

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	C1	Medtronic Sofamor Danek, "MAVERICK Total Disc Replacement", brochure, published 12/2002, pp. 1-6.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/773,814
				Filing Date	02/06/2004
				Applicant(s)	Eisermann, et al.
				Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	31132.42
SHEET	2	OF	2		

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A24	5683465	11/04/1997	Shinn, et al.
	A25	5755796	05/26/1998	Ibo
	A26	5782832	07/21/1998	Larsen, et al.
	A27	5865846	02/02/1999	Bryan, et al.
	A28	5888226	03/30/1999	Rogozinski
	A29	5895428	04/20/1999	Berry
	A30	5899941	05/04/1999	Nishijima, et al.
	A31	6001130	12/14/1999	Bryan, et al.
	A32	6019792	02/01/2000	Cauthen
	A33	6063121	05/16/2000	Xavier
	A34	6113637	09/05/2000	Gill, et al.
	A35	6146421	11/14/2000	Gordon, et al.
	A36	6224607	05/01/2001	Michelson
	A37	6228118	05/08/2001	Gordon
	A38	6368350	04/09/2002	Erickson, et al.
	A39	6440139	08/27/2002	Michelson
	A40	6517544	02/11/2003	Michelson
	A41	6517580	02/11/2003	Ramadan, et al.
	A42	6645249	11/11/2003	Ralph, et al.
	A43	6562045	05/13/2003	Gil, et al.
	A44	6692501	02/17/2004	Michelson

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document <small>(Country Code - Number - Kind)</small>	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published

Examiner Signature	Date Considered	
--------------------	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.